



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,687	09/23/2003	Assad Radpour	1033-T00541	1042
60533	7590	03/19/2007		
TOLER SCHAFFER, LLP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER MARSH, OLIVIA MARIE	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/668,687		RADPOUR, ASSAD	
	Examiner		Art Unit	
	Olivia Marsh		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,27-31 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,27-31 and 45-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/11/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Please review the below rejection for full explanation.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Akhavan teaches, as noted by Applicant, providing personal communication service without the use of licensed spectrum within the home zone of a subscriber (column 15, lines 49-52). Akhavan also teaches providing personal communication service without the necessity of providing additional compensation to the cellular telephone service when a subscriber is within his home zone, as defined by the range of the cordless telephone base station (column 15, lines 54-59). Moore also discloses (paragraph 4):

Another motivation is to allow subscriber to have incoming and outgoing calls placed from his handset automatically use the local VoIP access network when the subscriber is at home. Such capabilities would be financially advantageous to the subscriber if telephone calls are cheaper when made on the VoIP network than on the mobile network, or if the subscriber wants to manage use of his or her mobile minutes.

Moore also discloses the local network interfaces may utilize Bluetooth, 802.11 technologies, or HomeRF technologies (paragraph 23), all of these wireless technologies are based on an

Art Unit: 2617

unlicensed [emphasis added] spectrum. Therefore, the Examiner contends that the motivation to combine Moore and Akhavan is proper as both references are concerned with providing a mobile user local, unlicensed, communications in a home environment in order to save a mobile user the monetary expense associated with utilizing communication services from a licensed network system.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 27-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 27 recites the limitation "power circuitry" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 27 depends from canceled claim 9. A dependent claim may not depend from a canceled claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claims 1, 5-8, 29, 31, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore JR. (U.S. 2003/0039242 A1) in view of Abrol et al (U.S. 7,068,669 B2).**

As to **claim 1**, Moore discloses an apparatus and method which allow a mobile handset to automatically route telephony and Internet Protocol (IP) data traffic to either a Voice Over IP network (or other network) or a mobile telephony network based on whether the mobile handset is within range of a residential VoIP gateway, reading on claimed "wireless network base station," (paragraph 1). Moore also discloses a mobile handset 10, reading on claimed "mobile communication device," comprising a transceiver 130 enabled for communication with the mobile telephone network and the VoIP network (paragraph 44), reading on claimed "mobile telephone circuitry configured to communicate with a mobile telephony network using a mobile communication protocol, the mobile telephony circuitry coupled to the antenna." Moore also

Art Unit: 2617

discloses a processor 110 is provided for determining whether the mobile handset 10 is within the range of the local network (paragraph 44) and if the handset is within the range of the local network, data traffic may be routed to and from the handset 10 via the VoIP telephone network (paragraph 44), reading on claimed "a service request module configured to determine proximity to a wireless network base station using a wireless data network protocol and configured to establish a communication path via the wireless data network protocol." Moore also discloses the mobile handset 10 has a gateway interface 120 that is provided for communicating with the local network of a VoIP gateway of the VoIP telephone network (paragraph 44) and the handset 10 is within the range of the local network 15, data traffic may be routed to and from the handset 10 via the VoIP telephone network 15 (paragraph 29) where the data traffic may comprise at least one of telephony traffic and IP data traffic (paragraph 31), reading on claimed "a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station." It is inherent that the mobile station contains a voice conversion module in order to communicate telephone traffic to the VoIP telephone network. It is further inherent that the mobile station would comprise an antenna to communicate with both the mobile network and the VoIP network.

However, Moore fails to disclose the service request module is configured to periodically send a session continuation request to the wireless base station after the communication path is established to maintain the communication path. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Abrol.

In an analogous art, Abrol teaches the service request module is configured to periodically send a session continuation request to the wireless base station after the communication path is established to maintain the communication path (**column 7, lines 28-31, lines 51-63**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and service request module, as disclosed by Moore, the service request module is configured to periodically send a session continuation request to the wireless base station after the communication path is established to maintain the communication path, as taught by Abrol, to enable a mobile device to maintain IP connections while moving between networks.

As to **claim 5**, Moore and Abrol teach everything as applied in claim 1 and Moore further discloses the wireless data protocol could be IEEE 802.11 (paragraph 23), reading on claimed "wireless data network protocol includes an IEEE 802.11 based protocol."

As to **claim 6**, Moore and Abrol teach everything as applied in claim 1 and Moore further discloses the wireless data protocol could be Bluetooth (paragraph 27), reading on claimed "wireless data network protocol includes an Bluetooth based protocol."

As to **claim 7**, Moore and Abrol teach everything as applied in claim 1 and Moore further discloses the mobile communication protocol could be iDEN network, TDMA, CDMA, CDMA-200, GSM (paragraph 20), reading on claimed "mobile communication protocol is associated with at least one of GSM and CDMA."

As to **claim 8**, Moore and Abrol teach everything as applied in claim 1 and Moore further discloses the mobile handset 10 may enable forwarding telephone calls from the mobile telephone network 30 to the VoIP telephone network 25 by sending a command to the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 (paragraph 47), reading on claimed "the voice communication is communicated as VoIP using the data packets."

As to **claim 29**, Moore and Abrol teach everything as applied in claim 1 and Moore also discloses a VoIP gateway 20 for the VoIP telephone network 25 is provided and a cable modem 22 allows communication between the handset 10 and the VoIP telephone network 25 via the

Art Unit: 2617

VoIP gateway 20 and a local network 15 is provided for connecting the handset 10 to the VoIP gateway 20 (paragraph 29). Moore also discloses to enable the forwarding of telephone calls from the mobile telephone network 30 to the VoIP telephone network 25, the handset 10 may first request the telephone number of the VoIP gateway 20, and then send a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to a telephone number of the VoIP gateway 20 via the VoIP telephone network 25 (paragraph 34), reading on claimed "the wireless network base station is configured to send the call control message to the registration system via a modem."

As to **claim 31**, Moore and Abrol teach everything as applied in claim 1 and Moore discloses everything as applied in claim 29 and Moore also discloses the protocols used to implement the present invention may include one or more of the following: Digital Subscriber Line (DSL) Modems and Networks (paragraph 25), reading on claimed "the modem includes a digital subscriber line (DSL) modem."

As to **claim 45**, Moore and Abrol teaches everything as demonstrated in claim 1 above; however, Moore fails to disclose the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after failing to receive a session continuation request from the wireless mobile communication device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Abrol.

Abrol also teaches the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after failing to receive a session continuation request from the wireless mobile communication device (**column 9, lines 66-67; column 10, line 1**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and the wireless network base station,

Art Unit: 2617

taught by Moore and Abrol, the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after failing to receive a session continuation request from the wireless mobile communication device, as taught by Abrol, to enable a mobile device to maintain IP connections while moving between networks.

As to **claim 46**, Moore and Abrol teaches everything as demonstrated in claim 1 and Abrol teaches everything as applied in claim 45; however, Moore fails to disclose the call control message cancels redirection of calls addressing the mobile communication device via the mobile telephony network. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Abrol.

Abrol also teaches the call control message cancels redirection of calls addressing the mobile communication device via the mobile telephony network (**column 9, lines 28-31; column 9, lines 66-67; column 10, line 1**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and the wireless network base station, taught by Moore and Abrol, the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after failing to receive a session continuation request from the wireless mobile communication device, as taught by Abrol, the call control message cancels redirection of calls addressing the mobile communication device via the mobile telephony network, as taught by Abrol, to enable a mobile device to maintain IP connections while moving between networks.

Art Unit: 2617

10. Claims 2-8, 27-28, 30, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore and Abrol as applied to claims 2-3, 5-8, 27-31 above, and further in view of Akhavan (U.S. 5,920,815 A).

As to **claim 2**, Moore and Abrol teaches everything as applied in claim 1; however, neither Moore nor Abrol teaches the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network in regards to the proximity of the mobile communication device and the wireless network base station (column 17, lines 45-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, as taught by Moore and Abrol, the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network in regards to the proximity of the mobile communication device and the wireless network base station, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 3**, Moore and Abrol teach everything as applied in claim 1 and Akhavan teaches everything as applied in claim 2; however, Moore and Abrol fails to disclose the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated

Art Unit: 2617

with the wireless network base station. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station (column 17, lines 45-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, as taught by Moore and Abrol, the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 27**, Moore and Abrol teach everything as applied in claim 1; however, Moore and Abrol fail to disclose the power circuitry is configured to selectively power the service request module when the mobile communication device is within range of the wireless network base station. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the power circuitry is configured to selectively power the service request module when the mobile communication device is within range of the wireless network base station (column 19, lines 26-32, 48-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, as taught by Moore and Abrol, the power circuitry is configured to selectively power the service request module when the mobile communication device is within range of the wireless network base station, also taught by

Art Unit: 2617

Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 28**, Moore and Abrol teach everything as applied in claim 1 and Akhavan teaches everything as applied in claim 27; however, Moore fails to disclose the power circuitry is configured to selectively power the mobile telephony circuitry when the mobile communication device is out of range of the wireless network base station. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the power circuitry is configured to selectively power the mobile telephony circuitry when the mobile communication device is out of range of the wireless network base station (column 19, lines 26-32, 48-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and power circuitry, taught by Moore and Abrol, the power circuitry is configured to selectively power the service request module when the mobile communication device is within range of the wireless network base station, also taught by Akhavan, the power circuitry is configured to selectively power the mobile telephony circuitry when the mobile communication device is out of range of the wireless network base station, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 30**, Moore and Abrol teach everything as applied in claim 1 and Moore discloses everything as applied in claim 29; however, Moore and Abrol fail to specifically disclose the modem includes a dial-up modem. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the modem includes a dial-up modem (column 17, lines 25-28, 63-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, taught by Moore and Abrol, the modem, disclosed by Moore, the modem includes a dial-up modem, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 52**, Moore and Abrol teach everything as applied in claim 1 and Moore discloses everything as applied in claim 29; however, Moore and Abrol fail to specifically disclose power circuitry configured to selectively power one of the mobile telephone circuitry or the service request module based on the proximity to the wireless network base station.

Akhavan teaches power circuitry configured to selectively power one of the mobile telephone circuitry or the service request module based on the proximity to the wireless network base station (column 19, lines 26-32; 48-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, taught by Moore and Abrol, to comprise power circuitry configured to selectively power one of the mobile telephone circuitry or the service request module based on the proximity to the wireless network base station, as taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

Art Unit: 2617

11. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Abrol, and Akhavan as applied to claims 1 and 3 above, and further in view of Carr *et al* (U.S. 6,091,948 A).

As to **claim 47**, Moore and Abrol teach everything as applied in claim 1 and Akhavan teaches everything as applied in claim 3; however, Moore, Abrol, nor Akhavan teaches when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Carr.

In an analogous art, Carr teaches when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls (**column 10, lines 11-29**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, as taught by Moore and Abrol, the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station, also taught by Akhavan, a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls, as taught by Carr, to enable a mobile user to control call forwarding options when a user is within range of a local base station.

Art Unit: 2617

12. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore and Abrol as applied to claim 1 above, and further in view of Byrne (U.S. 6,708,028 B1).

As to **claim 48**, Moore and Abrol teaches everything as demonstrated in claim 1; however, neither Moore nor Abrol teaches a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via the wireless network base station. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Byrne.

In an analogous art, Byrne also teaches a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via the wireless network base station (**column 2, lines 34-39**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, taught by Moore and Abrol, a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via the wireless network base station, as taught by Byrne, to enable a user of the mobile device to choose which system to use.

13. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore and Abrol as applied to claim 1 above, and further in view of Wilhelm (U.S. 6,950,675 B2).

As to **claim 49**, Moore and Abrol teach everything as applied in claim 1 above; however, neither Moore nor Abrol teaches the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Wilhelm.

Art Unit: 2617

In analogous art, Wilhelm teaches the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification (**column 7, lines 18-25**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and service request module, as taught by Moore and Abrol, the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification, as taught by Wilhelm, to enable the mobile device to recognize particular radio systems.

As to **claim 50**, Moore and Abrol teach everything as applied in claim 1 above and Wilhelm teaches everything as applied in claim 49; however, neither Moore nor Abrol teaches the wireless network base station is determined to be pre-selected wireless network base station, establishing the communication path via the wireless data network protocol. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Wilhelm.

In analogous art, Wilhelm teaches the wireless network base station is determined to be pre-selected wireless network base station, establishing the communication path via the wireless data network protocol (**column 7, lines 43-61**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and service request module, as taught by Moore and Abrol, the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base

Art Unit: 2617

station based on the identification, as taught by Wilhelm, the wireless network base station is determined to be pre-selected wireless network base station, establishing the communication path via the wireless data network protocol, also taught by Wilhelm, to enable the mobile device to recognize particular radio systems.

As to **claim 51**, Moore and Abrol teach everything as applied in claim 1 above and Wilhelm teaches everything as applied in claim 49; however, neither Moore nor Abrol teaches the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless dam network protocol. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Wilhelm.

In analogous art, Wilhelm teaches the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless dam network protocol (**column 7, lines 43-61**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and service request module, as taught by Moore and Abrol, the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification, as taught by Wilhelm, the wireless network base station is determined to be pre-selected wireless network base station, the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless dam network protocol, also taught by Wilhelm, to enable the mobile device to recognize particular radio systems.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

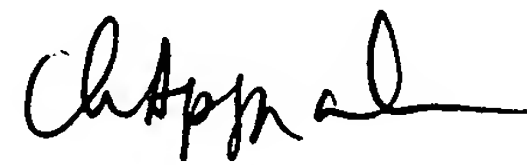
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER